



## POLICY SERVICES

### SPECIAL ALERT August 7, 2014

#### Sample Parents' Bill of Rights for Data Privacy and Security

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To date, Policy Services has provided subscribing districts with multiple publications regarding recently enacted legislation addressing data privacy and security. All districts have received the following documents:

- A June 2014 "Special Alert" summarizing Section 2-d of the Education Law; and
- A July 25, 2014 "Special Alert" providing further information on the "parents' bill of rights for data privacy and security."

In addition to our work, on July 29, 2014 the State Education Department prepared and disseminated a publication entitled: *Parents' Bill of Rights for Data Privacy and Security*. Despite the questions that document raises and the absence of any further, formal guidance on this topic, each district is obligated to prepare and publish its own parents' bill of rights.

To further assist school districts in meeting their obligations under the law, Policy Services has updated the elements to be included in each district's parents' bill of rights, and has attached a sample parents' bill of rights for your review and use.

Please note that the document includes an appendix addressing pertinent supplemental information. As of today, it remains unclear whether school districts will be expected to include detailed information regarding each third party contract within the parents' bill of rights, or whether a more general statement of the district's actions will be sufficient to comply with the law. Until we receive clarification on this point, we recommend that school districts include the following language as an appendix to such bill of rights. Policy Services will continue to update districts as more information becomes available.

Also attached for your review is each of our previously disseminated Special Alerts. If you have further questions regarding these issues, please do not hesitate to contact your assigned Policy Coordinator or Janell Hallgren, Manager of Policy Services, at 821-7084 or [jhallgren@e1b.org](mailto:jhallgren@e1b.org).

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**NOTE: This Alert is not to be interpreted as the rendering of legal advice. Questions regarding the application of law to specific situations should be directed to your school attorney.**



## **POLICY SERVICES**

*The following has been prepared as a sample parents' bill of rights, and is intended to be customized by each district. If you have questions regarding the implementation of Education Law Section 2-d, we strongly encourage you to contact your school attorneys.*

### **PARENTS' BILL OF RIGHTS FOR DATA PRIVACY AND SECURITY**

The \_\_\_\_\_ School District is committed to protecting the privacy and security of student, teacher, and principal data. In accordance with New York Education Law § 2-d, the District wishes to inform the school community of the following:

- 1) A student's personally identifiable information cannot be sold or released for any commercial purposes.
- 2) Parents have the right to inspect and review the complete contents of their child's education record.
- 3) State and federal laws protect the confidentiality of personally identifiable information, and safeguards associated with industry standards and best practices, including but not limited to, encryption, firewalls, and password protection, must be in place when data is stored or transferred.
- 4) A complete list of all student data elements collected by the State is available for public review at:  
<http://www.p12.nysed.gov/irs/sirs/documentation/NYSEDstudentData.xlsx>, or by writing to the Office of Information & Reporting Services, New York State Education Department, Room 863 EBA, 89 Washington Avenue, Albany, New York 12234.
- 5) Parents have the right to have complaints about possible breaches of student data addressed. Complaints should be directed in writing to the Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, New York 12234. Complaints may also be directed to the Chief Privacy Officer via email at:  
[CPO@mail.nysed.gov](mailto:CPO@mail.nysed.gov).

*As of August 7, 2014, it remains unclear whether school districts will be expected to include detailed information regarding each third party contract within the parents' bill of rights, or whether a general statement about all third party contracts will suffice. Until we receive clarification on this point, we recommend that school districts include the following language as an appendix to such bill of rights. Erie 1 BOCES Policy Services will continue to update districts as more information becomes available.*

## **APPENDIX**

### Supplemental Information Regarding Third-Party Contractors

In the course of complying with its obligations under the law and providing educational services to District residents, the \_\_\_\_\_ School District has entered into agreements with certain third-party contractors. Pursuant to such agreements, third-party contractors may have access to "student data" and/or "teacher or principal data," as those terms are defined by law.

*Each contract the District enters into with a third party contractor where the third party contractor receives student data or teacher or principal data will include the following information:*

- 1) The exclusive purposes for which the student data or teacher or principal data will be used;*
- 2) How the third party contractor will ensure that the subcontractors, persons or entities that the third party contractor will share the student data or teacher or principal data with, if any, will abide by data protection and security requirements;*
- 3) When the agreement expires and what happens to the student data or teacher or principal data upon expiration of the agreement;*
- 4) If and how a parent, student, eligible student, teacher or principal may challenge the accuracy of the student data or teacher or principal data that is collected; and*
- 5) Where the student data or teacher or principal data will be stored (described in such a manner as to protect data security), and the security protections taken to ensure such data will be protected, including whether such data will be encrypted.*